

REMARKS

Status of Claims

This paper does not amend, cancel, or add any claims. Thus, claims 1-10 and 12-30 are pending and under examination.

Interview Summary

Applicants wish to thank Examiner Grasso for the courtesies extended to Applicants' representative during the teleconference of May 18, 2010. During that teleconference, the obviousness-type double patenting rejection set forth in the Final Office Action was discussed and the Examiner orally agreed that the rejection was successfully traversed and would be withdrawn. The substance of the interview and traversal is contained herein.

Rejection For Obviousness-type Double Patenting

All pending claims stand provisionally rejected over various claims of co-pending U.S. Application No. 12/324,666 for obviousness-type double patenting. Applicants respectfully traverse this rejection.

Applicants submit that the obviousness-type double patenting rejection is inappropriate in this case, should be withdrawn, and the claims allowed. M.P.E.P. 804 (I)(1) states that for cases in which the provisional obviousness-type double patenting rejection is the only remaining rejection in the earlier-filed of two related applications, and the later-filed application is rejectable on other grounds, the Examiner should withdraw the rejection in the earlier-filed case and allow the claims to issue without a terminal disclaimer.

The facts of the present application are exactly on point with the guidance provided in the M.P.E.P. The present application was filed July 28, 2003 and the only outstanding rejection is a provisional obviousness-type double patenting rejection over related U.S. Application 12/324,666 which was filed November 26, 2008. Thus, the present case is the earlier-filed of the

two. Additionally, the claims of the U.S. Application 12/324,666 are currently rejected on grounds other than obviousness-type double patenting. Accordingly, the provisional rejection should be withdrawn in this case and the claims allowed to issue.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the telephone number listed below so that they may be resolved without the need for a written action.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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